



**CITY OF PORTLAND**  
**OFFICE OF MANAGEMENT AND FINANCE**

**Ted Wheeler, Mayor**  
**Tom Rinehart, Chief Administrative Officer**  
**Jennifer Cooperman, Chief Financial Officer, Director,**  
**Bureau of Revenue and Financial Services**

**Lester Spittler**  
**Chief Procurement Officer**  
**Procurement Services**  
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**REGULAR CALENDAR**

September 4, 2019

**TO THE COUNCIL:**

The Council adopted Ordinance No. 188310 on April 5, 2017 that authorized a competitive solicitation per City Code 5.34.880 for an Energy Savings Performance Contract (ESPC) for existing buildings and structures owned and managed by Portland Parks & Recreation. The selected Energy Service Company (ESCO) is responsible for designing, installing, commissioning and monitoring the improvements using a team of consultants and subcontractors.

A Request for Proposals for the Portland Parks & Recreation Energy Savings Performance Savings Contract, RFP No. 00000717, was issued on August 17, 2017. Four (4) proposals were received, reviewed, evaluated, and scored by a five (5)-member evaluation committee including one (1) member of the Minority Evaluator Program in accordance with Portland City Code 5.34. The evaluation committee selected McKinstry Essention, LLC as the highest scoring proposer. A professional services contract was awarded on January 1, 2018 which required a Preliminary Utility Audit, a Technical Energy Audit, and a Project Development Plan which has been completed.

The Chief Procurement Officer recommends the award of a design build contract to McKinstry Essention, LLC for the design and construction of the Portland Parks & Recreation Energy Savings Performance Contract for the Guaranteed Maximum Price of \$998,998.

The City has established an aspirational goal for State of Oregon COBID certified Disadvantaged, Minority, and Women owned firms as well as Emerging Small Businesses (D/M/W/ESB) in subcontractor and supplier utilization at 20% of the hard construction costs for the project. McKinstry Essention, LLC made a commitment in their proposal of 20% utilization of COBID D/M/WBE certified subcontractors, material suppliers and manufacturers on this project.

McKinstry Essention, LLC anticipates awarding a subcontract total of \$585,486, and of that subcontract total, it is estimated that \$322,017.30 will be awarded in the following scopes of work to D/M/WBE certified subcontractors, which is 55% of the subcontract total.

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*An Equal Opportunity Employer*

*To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.*

<b>Subcontractor</b>	<b>Certification</b>	<b>Area of work</b>	<b>Estimated Amount</b>
TBD	D/M/WBE	Concrete	\$5854.86 or 1%
TBD	D/M/WBE	Lighting (Exterior & Interior	\$163,936.08 or 28%
TBD	D/M/WBE	Irrigation	\$40,984.02 or 7%
TBD	D/M/WBE	Mechanical Install	\$111,242.34 or 19%

McKinstry Essention, LLC is located in Portland, Oregon, and is not a State Certified D/M/W/ESB Contractor. They have a current City of Portland Business Tax Registration and EEO Certification, and are in Full Compliance with the City's contracting requirements.

Funds are available for this project under Owner Cost Center PKSB000013.

It is recommended that a Performance Bond and Payment Bond each at 100% of the contract amount be furnished by the Contractor. Further, it is also recommended that a two (2) year Maintenance/Warranty Bond for 20% of the final contract amount be furnished by the Contractor before final payment is released.

The bid sureties of the remaining bidders should be returned immediately in compliance with Section 5.34.410D of the City Code.

Recommended by:

Lester Spitler  
Chief Procurement Officer

LS:kdm

**Agenda No. 844**  
**Item Type: Report No. \_\_\_\_\_**  
**Council Meeting Date: September 4, 2019**

**Title:** Accept the Guaranteed Maximum Price of \$998,998 from McKinstry Essention, LLC for Portland Parks and Recreation Energy Savings Performance Savings Design Build Contract (Procurement Report - RFP No. 00000717)

**AGENDA TYPE**

☐ **Consent**

☒ **Regular**

☐ **Time Certain** Start Time

Item **1** of **1**

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): **15 Minutes**

**INTRODUCED BY: Mayor Wheeler**

**COMMISSIONER / AUDITOR APPROVAL**

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington  
Date: 2019.08.27 12:07:49 -0700

Position 1/ Utilities - Fritz

Position 2/ Works - Fish

Position 3/ Affairs - Hardesty

Position 4/ Safety - Eudaly

City Auditor - Hull Caballero

**BUREAU APPROVALS**

Bureau: OMF/BRFS

OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart  
Date: 2019.08.20 11:15:34 -0700

Bureau Approval: Jennifer Cooperman Digitally signed by Jennifer Cooperman  
Date: 2019.08.19 15:42:39 -0700

Prepared By: Kelly Davis-McKernan

Date Prepared: August 9, 2019

1) Is a completed Impact Statement attached? ☒ Yes

2) Does the item amend the budget? ☐ Yes ☒ No  
If yes, **Budget Office** Approval

3) Is the item a Code ordinance? ☐ Yes ☒ No

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter? ☐ Yes ☒ No  
If yes, **Attorney Office** Approval

If yes, **Auditor Office** Approval

5a) Is item a Portland Policy Document or Administrative Rule?  
☐ Yes ☒ No

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution?  
☐ Yes ☐ No

**ACTION TAKEN:**

SEP 04 2019 **ACCEPTED** PREPARE CONTRACT

CLERK USE: DATE FILED 8/27/19

Mary Hull Caballero  
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont  
Date: 2019.08.27 13:05:10 -0700  
Deputy

**FOUR-FIFTHS AGENDA**

1. Fritz  
2. Fish  
3. Hardesty  
4. Eudaly  
Wheeler

**COMMISSIONERS VOTED AS FOLLOWS:**

	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Hardesty	<input checked="" type="checkbox"/>	
4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	<input checked="" type="checkbox"/>	